



United States Election Assistance Commission
Public Meeting
July 28, 2015 1:00 p.m.

The National Disability Rights Network (NDRN) would like to first congratulate Chair Christy McCormick, Vice Chair Thomas Hicks, and Commissioner Matthew Masterson on your confirmation to the U.S. Election Assistance Commission (or EAC). We recognize the unique and critical role of the EAC in ensuring an electoral process that is efficient, accurate, reliable, and accessible via realization of the full promise of the Help America Vote Act (or HAVA). NDRN and the network of Protection and Advocacy Systems have been involved since passage of HAVA in advocating for the rights of people with disabilities to vote and monitoring the accessibility of the voting process. Although the United States has made significant progress toward ensuring that its electoral system is accessible to everyone, there is still much work to be done, and the EAC will continue to play an important role.

The purpose of my testimony today is to identify critical issues in poll worker training and elections management identified through the work of NDRN and the Protection and Advocacy Systems Network, as well as Paraquad Center for Independent Living. Research conducted by Paraquad through the Research Alliance for Accessible Voting will also be summarized to provide promising and innovative solutions for addressing these ongoing challenges.

NDRN and the Protection and Advocacy Network

NDRN is the nonprofit membership organization for the federally mandated Protection and Advocacy (P&A) Systems for individuals with disabilities. The P&As were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the U.S. Virgin Islands), and there is a P&A affiliated with the Native American Consortium which includes the Hopi, Navaho and Piute Nations in the Four Corner region of the Southwest. Collectively, the P&A Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

The Protection and Advocacy for Voter Access (PAVA) program was established in 2002 as part of HAVA to address the barriers that people with disabilities face when

voting or registering to vote. Congress recognized the need to “ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places.” P&As have a long and successful history of assisting elections officials to identify and adapt polling places to improve accessibility, certify and implement accessible voting technology, collaborate to strengthen poll worker trainings, and provide non-partisan voter education.

RAAV and Paraquad Center for Independent Living

The Research Alliance for Accessible Voting (RAAV) was established to advance the state of elections and voting through applied research, development, evaluation, dissemination and implementation of concepts, and technologies that increase access to and participation in democracy. Through funding provided by the EAC, this collaboration between Clemson University, Carnegie Mellon University- Silicon Valley, the Association of Assistive Technology Act Programs, the ArcLink, the Election Center, Election Data Services, Tennessee Disability Coalition, and Paraquad Center for Independent Living developed and tested emerging voting technologies, accessibility solutions, and elections administration practices to help ensure access to the vote.

Paraquad is one of the oldest and largest centers for independent living in the nation. Based in St. Louis, Paraquad empowers people with disabilities to live independently through choice and opportunity through nearly 30 direct service and advocacy programs to support community living and independence for people with a broad range of disabilities. With over 15 years of experience in advocating for voter accessibility, as well as conducting non-partisan voter registration and get out the vote in the disability community, Paraquad joined RAAV’s Accessibility and Assistive Technology Team. Specifically, Paraquad collaborated with voters and election administrators to develop and pilot improved poll worker training materials and best practices.

The Current State of Voter Access

The most accessible polling places and the best voting equipment cannot solve access barriers alone. Accessible polling locations that are not properly set up before polls open cannot guarantee access to the vote for people with disabilities and create a risk of voter disenfranchisement. Accessible entrances that remain locked, otherwise accessible paths of travel that are not cleared of obstacles, elevators not in working order, and lack of signage to indicate accessible routes at the polling place are just a few of the issues that can and do happen on Election Day and prevent voters with disabilities from successfully utilizing the polling site.

The purchase and wide-scale implementation of newer voting technologies, including touch screen and optical scan balloting, have drastically improved the ability of voters to cast the private and independent ballot guaranteed by the Help America Vote Act (HAVA), allowing a range of options for selecting the voter’s choice and relieving much of the need for voter assistance. Yet, accessible voting equipment often is not delivered to the polling place, not set up before polls open, discouraged for use by poll workers

uncomfortable with the technology, and features accessibility options rarely completely understood by either Election Day personnel or the voters themselves. Voter accessibility is ultimately determined by effective implementation on Election Day.

While these issues appear simple on the surface, they have proven difficult to solve. Elections professionals are expected to be experts on an increasingly broad range of topics in the face of rapidly changing technology. It is not enough simply to understand federal and state elections statutes, but elections administrators must also be experts in technology, electronics security, and even education to provide effective training for Election Day implementation. The standard to which we must hold our elections professionals is becoming increasingly unrealistic, particularly in a funding environment that typically requires county clerks and other elections administrators to fill multiple roles in their jurisdictions, beyond oversight of the electoral process.

Further, America's poll workers are expected to perform to near perfection with extremely limited training and resources. The stakes of any election are high for the candidates and for the citizens of any given jurisdiction, and any error in the administration of the electoral process can threaten the security, accuracy, and integrity of an election. Poll workers, as the first line of defense in managing an election, are charged with securing the integrity of an election on the ground while simultaneously protecting the rights of voters, and neither task leaves any room for error. Yet in an environment of limited resources, poll workers are often afforded very little prior training but have need of an almost parallel level of expertise to the elections administrators responsible for their performance on Election Day.

Access is Not Optional

All eligible voters have the right to cast a ballot in a private and independent manner. Voters with disabilities share the concerns of all Americans that unrealistic expectations of elections professionals and volunteers, limited funding and resources, and ongoing concerns regarding the security of elections are critical issues before us and can create challenges in managing the electoral process. Yet, the need to address these concerns cannot come at the expense of the right to vote for Americans with disabilities.

There are no easy solutions to ensuring a private and independent ballot to all Americans. Providing an alternate means of casting a ballot, such as relying on absentee balloting, for people with disabilities sets the standard for a segregated system of voting based on disability status that is contrary to American values and not the expectation of people with disabilities, who want to vote in their communities and share the proud, patriotic experience of voting with their fellow citizens. Eliminating polling places and relying on vote by mail and alternative systems, while they show promise, are similarly not an easy fix. The necessity to physically mark and return a paper ballot is not accessible to the full range of access needs within the American electorate. Systems of accommodation to support vote by mail processes, such as completing an electronic ballot to be submitted at a designated location, typically rely on

internet security, ability to physically return a ballot to the election authority, and the voter's individual capacity to provide any necessary assistive technology.

Expectations are high and resources are limited, but innovations like those developed and tested through EAC funded research provide future directions for improving access to the vote in a secure and achievable environment.

Poll Worker Training and Election Day Job Aids Pilot Project

Via the EAC-funded RAAV project, Paraquad Center for Independent Living interviewed voters and elections personnel to inform the development poll worker training curricula and Election Day job aids to address identified barriers to adequately preparing poll workers to process and assist voters with disabilities on Election Day.

Paraquad administered a phone survey of 1,200 voters with disabilities in the states of Missouri and Tennessee. Voters indicated that polling places continue to struggle with accessibility, poll workers are not knowledgeable enough regarding available accommodations for voters with disabilities and were generally uncomfortable with accessible voting equipment. Additional interviews with 10 county clerks in the state of Missouri found that poll worker training averaged 1.5 to 2 hours and relied on PowerPoint presentations. Clerks were hesitant to collect formal evaluations and felt that lack of funding prevented them from making improvements to the poll worker training. Chief among the concerns of county clerks were poll worker retention of information, difficulty in implementing hands-on training, ability to provide checklists and visual aids, use and placement of accessible signage, and a need to recruit more poll workers.

Best practices for adult education were also reviewed and indicated that providing mixed learning methods, using hands-on and participatory methods, distributing handouts, and utilizing repetition to reinforce critical points are essential to providing education and training to adult learners.

Based on initial research, Paraquad developed a poll worker training curriculum and Election Day job aids to address challenges while accounting for limited time and resources to provide effective training. A training guide detailed poll worker training curriculum for use by election administrators with the following identified focus areas: expectations and responsibilities of poll workers, use of voting equipment, polling place setup, voter interaction and accommodation, and providing curbside voting . The guide included lesson plans with optional participatory activities for these focus areas, sample PowerPoint slides and speaking notes, and handouts/checklists for poll workers. The curriculum included in the training guide was designed to be adaptable and utilize a modular structure that can be integrated into existing poll worker training. By providing mix-and-match training modules including ready-to-use PowerPoint slides, elections officials could quickly and easily add training on the focus areas without the need to significantly create new content for or alter existing trainings.

Integrating the focus areas throughout an existing poll worker training also obviated the need to include a distinct section in poll worker training sessions dealing specifically with the access needs of voters with disabilities. Paraquad staff feared that the creation of “special” training for “special” voting populations created the illusion that providing an accessible voting experience applied only to a discrete population of voters, despite the fact that many types of voters actually benefit from the ability to work voting equipment effectively and receive accommodations, including older adults, voters with limited English proficiency, first time voters, etc. Additionally, addressing voters with disabilities as a unique population for whom unique procedures exist on Election Day may generate a heightened sense of apprehension around providing accommodations in a way that does not violate established procedures or state statutes, when the expectation for perfection in poll workers is already an intimidating standard.

In addition to the training guide, pilot project jurisdictions were provided an Election Day job aid, or the Election Day picture guide. Modeled after a project of the St. Louis City Board of Election Administrators, the picture guide is printed on 11” by 17” cardstock and spiral bound, typically requiring no more than 5 sheets. Its lightweight nature made the picture guide affordable to produce, while the 11” by 17” size was intended to make the guide easy to locate at the polling place. Picture guides included step-by-step instructions for poll workers in setting up the polling site, using the features of accessible voting equipment, and providing curbside voting. Each step included a brief (1 to 2 sentence) plain language description of the necessary action and a full color photo of the action.

Four Missouri counties piloted the training curriculum and Election Day job aid leading up to and during the August 2012 state primary election. In addition to making the pilot materials publicly available, Paraquad also published a report on project findings. Notable findings include that although more than 1 in 3 poll workers either interacted with voters with disabilities or experienced challenging interactions with voters, 100% of poll workers felt confident in voter interaction following training sessions that included at least 20% hands on training time. Of the poll workers trained, 89% felt comfortable setting up accessible polling equipment and 71% felt comfortable using accessibility features included in the equipment. Election Day Picture Guides were available in 93% of polling places evaluated. Just over half of poll workers exposed to the Election Day Picture Guide reported that they used it to help them during Election Day, including close to 70% of poll workers in one specific county. Among poll workers who used the picture guide, 90% reported that they found the information in the picture guide to be helpful in carrying out their poll worker duties. Operating electronic voting equipment was the most common use of the picture guide, followed by polling place setup.

Future Directions

Ensuring access to the vote on Election Day relies on the ability of poll workers to interact with voters with disabilities and provide accommodation, as much as it relies on the availability of accessible polling places and voting equipment. Poll workers are expected to meet the needs of voters and the expectations of elections personnel and

the general public with limited training and resources. Similarly, elections administrators are often tasked with preparing poll workers for Election Day using extremely limited time and resources. While providing effective poll worker training has traditionally proven to be a complex task, the onus for preparing poll workers to successfully manage the balloting process on Election Day falls with the elections administration community. Our poll workers can only perform as well as we have prepared them. Despite time and financial constraints, elections administrators have a responsibility to create and implement innovative solutions for improving the poll worker training process, and the RAAV pilot project demonstrates the potential of investigating new ways of integrating adult learning best practices with time-saving job aids to better ensure poll worker success.

The Continued Need for an Election Assistance Commission

The EAC has played a critical role in establishing standards that have become a much needed guide for effectively balancing functionality, accessibility, security, and feasibility in planning and managing the electoral process, generating research to inform the work of elections administrators across the nation, promoting the development of new technologies and practices that are solving accessibility and elections management issues on a broad scale, providing a wealth of resources and best practices, and steering the national discourse on elections administration and the voter experience to address emerging issues in the electoral process while driving innovation. Yet, the Commission's work is not done. There is a very real and urgent need for the EAC at this point in our nation's history. As elections administrators are asked to do more with less in funding and overseeing elections, existing voting technologies age out of common usage, and new solutions emerge that require research, testing, and standards, the EAC is uniquely poised meet these challenges. Elections administrators need an EAC that can assist them to meet the rising expectations of their profession, and the American electorate needs an EAC to ensure all citizens are provided access to the vote.

We appreciate the opportunity to provide public comment regarding these issues. The P&As, as well as the Centers for Independent Living, are on the ground in every state and territory working to ensure the rights of people with disabilities to access voting systems and are eager to partner with elections administrators in finding innovative solutions to complicated but critical issues. On behalf of NDRN, we look forward to working with the Commissioners and urge the EAC to recognize NDRN and the P&A Network as being at the forefront and a vital source of information regarding the current state of access for voters with disabilities across the country. If you would like further information, please contact Michelle Bishop at (202) 408-9514, x130.